

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-530V

(Filed: November 12, 2014)

* * * * *

LESLIE HORNICK,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

UNPUBLISHED

Special Master Hamilton-Fieldman

Decision on Attorneys' Fees and
Costs; Reasonable Amount
Requested to Which Respondent
Does Not Object.

Maximillian Muller, Muller Brazil, LLP, Philadelphia, PA, for Petitioner.

Alexis Babcock, United States Department of Justice, Washington, D.C., for Respondent.

DECISION¹

On June 20, 2014, Leslie Hornick ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program ("the Program").² Petitioner alleged that an influenza ("flu") vaccination she received on October 10, 2013 caused her to suffer from a shoulder injury related to vaccine administration ("SIRVA"). On October 29, 2014, the undersigned issued a ruling in favor of entitlement, and on November 5, 2014, the undersigned issued a decision awarding damages.

On November 12, 2014, the parties filed a Stipulation of Facts Regarding Final

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter "Vaccine Act" or "the Act"). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

Attorneys' Fees and Costs. In the stipulation, the parties stipulate to an award of Attorneys' Fees and Costs in the amount of \$13,800.00. In compliance with General Order #9, Petitioner's counsel represents that Petitioner has incurred no out-of-pocket expenses in pursuit of her claim.

The undersigned finds that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, the undersigned hereby awards the amount of \$13,800.00, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Maximillian Muller, of the law firm Muller Brazil, LLP.**

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/ Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.